

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ART SHY, et al.,)
Plaintiffs,)
vs.) Case No. C-3-92-333
NAVISTAR INTERNATIONAL)
CORPORATION, et al.,) District Judge Walter H. Rice
Defendants.)

**DEFENDANTS' MOTION TO STAY PLAINTIFFS' MOTION FOR
AWARD OF ATTORNEYS' FEES AND NONTAXABLE EXPENSES**

Defendants Navistar International Corporation, *et al.* ("Defendants" or "Navistar") hereby respectfully move this Court to stay the Motion for Award of Attorneys' Fees and Nontaxable Expenses ("Motion") submitted by Plaintiffs Art Shy, *et al.* ("Plaintiffs") on November 11, 2011. This motion is supported by an accompanying memorandum.

Dated: December 5, 2011

Respectfully submitted,

COOLIDGE WALL, LPA

/s/ David P. Pierce

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MEMORANDUM

1. On November 10, 2011, Plaintiffs filed their Motion for Award of Attorneys' Fees and Nontaxable Expenses. Plaintiffs seek an award of attorneys' fees and expenses in an amount totaling nearly \$600,000.
2. The decisions on which Plaintiffs base their Motion are the subject of appeals currently pending before the Sixth Circuit Court of Appeals. *See Art Shy, et al v. Navistar International Corp, et al.*, Case No. 11-3215; *Art Shy, et al v. Navistar International Corp, et al.*, Case No. 11-4143.

3. Defendants incorporate their Response to Plaintiffs' Motion for Award of Attorneys' Fees and Nontaxable Expenses as if set forth fully herein.

For the foregoing reasons, Defendants request that Plaintiffs' Motion for Award of Attorneys' Fees and Nontaxable Expenses be stayed pending resolution of the appeals.

Dated: December 5, 2011

Respectfully submitted,

COOLIDGE WALL, LPA

/s/ David P. Pierce

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically on the 5th day of December 2011 in the above-captioned case. Notice of this filing will be sent to all parties by operation of the Court's ECF system. Parties may access this filing through the Court's system.

s/ David P. Pierce

David P. Pierce

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